

APPEAL NO. 040124
FILED MARCH 11, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 17, 2003. The hearing officer determined that respondent (claimant) sustained a compensable injury on _____; that claimant did have disability beginning on June 14, 2003, and continuing through the date of the hearing; and that the claimed injury did not occur while claimant was in a state of intoxication as defined by Section 401.013, and the appellant (carrier) is therefore not relieved of liability for compensation. The carrier appealed these determinations, asserting that the hearing officer applied the wrong legal standard in reaching his intoxication determination, and alternately asserting that claimant was not in the course and scope of his employment at the time of the injury. The appeal file does not contain a response from the claimant.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved factual questions for the hearing officer. The hearing officer discussed the general underlying facts and credibility issues to be considered in this case and we will not repeat them again here. The hearing officer reviewed the record and decided what facts were established. The hearing officer heard and reviewed the testimony regarding claimant's drug usage the day before the injury, as well as the testimony and report from carrier's expert witness, and made credibility determinations in this regard. We conclude that the hearing officer did not apply the wrong legal standard in reaching his determinations, and that the determinations that claimant was in the course and scope of his employment, that he was not intoxicated at the time of the injury, and that the compensable injury resulted in disability, are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **GREAT AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge